



Benjamin W. Hulse  
Direct Dial: 612-343-3256  
E-Mail: [bhulse@blackwellburke.com](mailto:bhulse@blackwellburke.com)

March 8, 2017

**VIA EMAIL AND U.S. MAIL**

Daniel A. Nigh  
Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.  
316 South Baylen St. Suite 400  
Pensacola, Florida 32502  
[dnigh@levinlaw.com](mailto:dnigh@levinlaw.com)

Re: *In re Bair Hugger Forced Air Warming Devices Products Liability Litigation*  
MDL No. 2666 – Deficiencies in Amended Plaintiff Fact Sheet  
*Dandrea et al v. 3M Company et al* Case No.: 0:16-cv-02298-JNE-FLN

Dear Counsel:

We are in receipt of the amended Plaintiff Fact Sheet (PFS) for the above-captioned matter. The PFS still has core deficiencies, as set forth in the enclosed report.

Paragraph 4 of Pretrial Order No. 14 defines core deficiencies as “a lack of response to all questions in Section I, Section II, and Section III; Section IV, questions 1, 3, 7, 8, 9, 10; Section V, questions 5, 6, and 7; Section VI, questions 1, 3, 6, 7, 8, and 9; Section VII, questions 1 and 2; Section 8, question 2; Section IX, questions 1, 3, and 4, or lack of signed medical authorizations.” Paragraph 3 further requires a signed verification.

In addition, the instructions on the PFS form prohibit leaving spaces blank and provide as follows: “If a question is not applicable to you, please state ‘Not Applicable’ or ‘N/A.’” In our review, many deficiencies resulted from a plaintiff leaving one or more spaces blank.

Pursuant to paragraph 6 of PTO 14, within 3 weeks of the date of this letter, you must respond in writing by either (1) curing the deficiencies (by serving a further revised, verified PFS through Plaintiffs’ portal); (2) disputing the deficiencies and setting forth the reasons the PFS is not deficient; or (3) explaining why the deficiencies cannot be timely cured. When serving a revised, verified PFS through Plaintiff’s portal, you do not need to resubmit documents that were previously served with the original PFS.

Sincerely,

s/ Benjamin W. Hulse

Benjamin W. Hulse

cc: Plaintiffs’ Co-Lead Counsel  
Enclosure

Title "Dandrea\_Mario\_16-cv-02298\_01\_Final\_Draft\_PFS-Dandrea\_Mario"

Dandrea\_Mario\_16-  
cv-  
02298\_01\_Final\_Draft\_  
PFS-Dandrea\_Mario

PLAINTIFFS' LAST NAME - Dandrea

PLAINTIFFS' FIRST NAME - Mario

CASE NO. - 16-cv-02298\_01

I.03.B - PLAINTIFFS' COUNSEL'S FIRM - Levin, Papantonio

I.03.E - PLAINTIFFS' COUNSEL'S EMAIL - dnigh@levinlaw.com

SECTION I (CASE INFORMATION) -

SECTION II (PERSONAL INFORMATION) - **Incomplete**

SECTION II - INCOMPLETE QUESTIONS - 01, 02, 03, 06, 07, 08, 09, 10, 11, 12, 13, 14, 16

SECTION III (SURGERY INFORMATION) - **Incomplete**

SECTION III - INCOMPLETE QUESTIONS - 03, 04

SECTION IV - 1 (VITAL STATISTICS) - **Incomplete**

SECTION IV - 10 (DRUG/ALCOHOL) -

SECTION IV - 3 (HEALTHCARE PROVIDERS) - **Incomplete**

SECTION IV - 7 (PHARMACIES/DRUGSTORES) - **Incomplete**

SECTION IV - 8 (DENTAL PROCEDURES) - **Incomplete**

SECTION IV - 9 (TOBACCO) - **Incomplete**

SECTION IX - 1 (CONSORTIUM NAME ETC.) -

SECTION IX - 3 (RESIDENCES) -

SECTION IX - 4 (MARRIED) - **Incomplete**

SECTION V - 5 (DISABILITY CLAIMS) -

SECTION V - 6 (LAWSUITS) -

SECTION V - 7 (BANKRUPTCY) - **Incomplete**

SECTION VI - 1 (PHYSICAL INJURY) - **Incomplete**

SECTION VI - 3 (EMOTIONAL DISTRESS) - **Incomplete**

SECTION VI - 6 (WARNINGS) -

SECTION VI - 7 (3M/ARIZANT COMMUNICATIONS) -

SECTION VI - 8 (3M/ARIZANT WARRANTY) -

SECTION VI - 9 (AUGUSTINE) -

SECTION VII - 1 (LOST PAST WAGES) - **Incomplete**

SECTION VII - 2 (LOST FUTURE WAGES) - **Incomplete**

SECTION VIII - 2 (VERBAL/WITTEN STATEMENT) -

X.01 - SIGNED AUTHORIZATION - **Incomplete**

X.02.D - DOCUMENTS - SIGNED VERIFICATION - **Incomplete**

X.02.D.1 - DOCUMENTS - SIGNED VERIFICATION (NON-PFS RESPONSE) - NA